

# LIFSHITZ LAW FIRM, P.C.

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December 16, 2021

**VIA CM/ECF**

The Honorable Katherine Polk Failla  
United States District Court  
Southern District of New York  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

Re: Caldwell v. Santander Consumer USA Holdings Inc., et al., Case No. 1:21-cv-7842-KPF  
(S.D.N.Y.)

Dear Judge Failla:

We represent Plaintiff Caldwell in the above referenced action. In consultation with counsel for Santander Consumer USA Holdings Inc. (“SC” or the “Company”), Plaintiff in the above action submits this letter to respectfully request an adjournment of the initial pretrial conference currently scheduled in this action for December 22, 2021 at 11:30 am.

Plaintiff Caldwell commenced his individual action by filing a complaint on September 20, 2021, challenging certain disclosures in the Recommendation Statement (the “Recommendation Statement”) on Form SC 14D9 filed with the Securities Exchange Commission in connection with the proposed acquisition of the Company by Santander Holdings USA, Inc. via tender offer (the “Proposed Transaction”), pursuant to Section 14 of the Securities Exchange Act of 1934. The Company accepted service of the complaint on December 16, 2021 and Plaintiff Caldwell has agreed that Defendants will have until February 15, 2022 to respond to the complaint. The Parties jointly request that the Court adjourn the December 22, 2021 conference to a date after February 15, 2022.

Respectfully,

/s/ Joshua M. Lifshitz  
Joshua M. Lifshitz

Cc: Shahzeb Lari (via E-mail)

Application GRANTED.

Defendant shall file a response to the Complaint on or before **February 15, 2022**.

The initial pretrial conference is ADJOURNED to **February 16, 2022, at 10:00 a.m.**

The Clerk of Court is directed to terminate the motion at docket entry 4.

Dated: December 16, 2021  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE